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April 6, 2006

VIA ELECTRONIC FILING & HAND DELIVERY

Honorable Charles R. Breyer
United States District Court for the
Northern District of California
450 Golden Gate Ave., 19th Floor
San Francisco, CA 94102

Re: In re ATM Fee Antitrust Litigation
(No. 04-2676 (CRB))

Your Honor:

We write to you regarding the summary judgment motion filed by Defendants and currently set before Your Honor for hearing on April 28, 2006 at 10:00 a.m.

On March 24, 2006, we filed Plaintiffs' Motion to Compel Defendants Bank One and SunTrust to Provide Further Responses and Documents and to Compel All Defendants to Provide Documents Relevant to Pending Motion for Partial Summary Judgment. We noticed the motion to compel for April 28, 2006, the same date and time as the hearing on summary judgment because the motion seeks the production, among other things, of materials relating to summary judgment.

On March 28, 2006, Your Honor referred discovery, including the pending motion to compel, to Chief Magistrate Judge Larson. Chief Magistrate Judge Larson agreed to hear the motion to compel in advance of the summary judgment hearing on April 26, 2006, which was acceptable to Plaintiffs. Defendants informed us that that date was unacceptable to them. They have agreed to have the matter heard on May 24, 2006, the next date on which Chief Magistrate Judge Larson is available. Chief Magistrate Judge Larson has continued the motion to compel and set it for that day.

In light of Defendants' unwillingness to proceed with the motion to compel on April 26, we respectfully request that the motion for summary judgment be continued at the least until Chief Magistrate Judge Larson has had the opportunity to address the issues raised by the motion to compel. In addition, Your Honor has set an initial Case Management Conference for

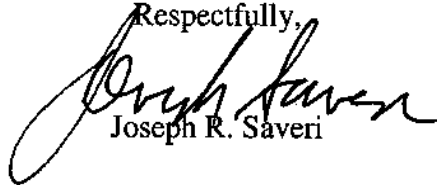
Honorable Charles R. Breyer

April 6, 2006

Page 2

June 9, 2006. Plaintiffs respectfully suggest that scheduling issues, including a general litigation schedule, be on the agenda for discussion at that time.

Respectfully,

A handwritten signature in black ink, appearing to read "Joseph R. Saveri", is written over the typed name.

Joseph R. Saveri

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cc: Hon. James Larson
All counsel of record (via e-mail)

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